

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

April 7, 2003
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Davidson, Lee, Mosher, and Noble

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:05 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers were present. Mr. Creighton led the flag salute.

(a) Proclamation of April 10 as DARE Day

Mayor Marshall read a proclamation recognizing April 10 as DARE (Drug Abuse Resistance Education) Day in Bellevue. She presented the proclamation to DARE Officer Bob Oliver and thanked him and DARE Officer Tom Baker for their work.

(b) Proclamation of April as Child Abuse Prevention Month

Parks and Community Services Director Patrick Foran introduced Gail Zeller, Child Abuse Education and Prevention Coordinator at Harborview Hospital. Ms. Zeller thanked Council for its ongoing support of child abuse prevention agencies.

Mayor Marshall read a proclamation declaring April as Child Abuse Prevention Month in Bellevue and encouraged citizens to wear or display blue ribbons during the month as a positive reminder that the community can put an end to child abuse by working together.

(c) Presentation of Puget Sound Engineering Council *Government Engineer of the Year Award*

Pam Maloney, Utilities Planning and Mapping Manager, introduced Milt Tiede, past president of the Puget Sound Engineering Council and this year's award chairman. Mr. Tiede explained that PSEC presents annual awards every February during Engineers Week. He presented the 2003 *Government Engineer of the Year Award* to Utilities Director Lloyd Warren, who was unable to attend the February event. Mr. Tiede noted Mr. Warren's leadership in public works engineering as well as his service as a Scoutmaster for 10 years.

Mr. Warren thanked PSEC for the award and reflected on his 27-year career with the City of Bellevue. He thanked Utilities Department staff for sharing in the vision, mission, and accomplishments recognized by this award.

3. Communications: Written and Oral

- (a) Dick Chapin expressed concern about the effort to change Bellevue's form of government based primarily on the geographic distribution of current Councilmembers. He researched past Councils and found that of the last 30 Councilmembers, seven lived west of I-405, seven lived between I-405 and 140th Avenue, eight lived east of 140th Avenue, and eight lived south of I-90. He cautioned against changing the form of government based on assertions about geographic representation and noted that Bellevue has one of the lowest tax rates, best bond ratings, and best police and fire departments in the state. He said another reason given to change the form of government is that it is currently too expensive to run for Council in a citywide election. Of the past eight contested candidates, the winning candidate spent an average of \$23,160. He prefers to continue to vote for all seven Council seats rather than being restricted to voting only for the candidate representing his district. He encouraged citizens to vote "no" on the Charter issue.
- (b) Gail Wolz, representing the Mobile Mirth Club, the only registered world laughter tour club in Washington, described her recent trip to Chicago for training as a Certified Laughter Leader. She met a Colonel from the Pentagon who described laughter exercises for families with recently deployed military personnel. She noted World Laughter Day on Sunday, May 4, distributed an information packet, and asked Mayor Marshall to consider proclaiming May 4 as Laughter Day in Bellevue. She invited the public to a celebration on May 4, 4:55 p.m., at First Presbyterian Church.
- (c) Karen Klett thanked Council for its support of Bellevue 50Fest. She enjoyed the Incorporation Day event at Meydenbauer Center on March 31 and the Sock Hop at Bellevue Community College on April 5. She thanked Mayor Marshall and Public Information Officer Ron Langley for their work on 50Fest activities.

Mayor Marshall thanked Karen Klett, Bellevue Historical Society, and History Link for their work with Bellevue 50Fest programs.

- (d) Tom Markley, representing the Horizon Heights Homeowners Association, discussed problems with weekly late-night parties in the neighborhood involving a home rented by five Bellevue Community College students. The parties have resulted in more than 15 calls to the Bellevue Police Department since January. He said six families are working with Chief Montgomery and Officer Wood to resolve the problem and noted the tenants have been evicted by the landlord with a 30-days' notice. He asked Council to consider laws that will enable police officers to address these situations more quickly and effectively.
 - (e) Nels Johnson, Rabanco, congratulated Utilities Director Lloyd Warren for his recognition as Government Engineer of the Year and praised Officer Oliver for his work with the DARE program. He thanked the City for the birthday celebration on March 31. He commended the Environmental Services Commission for its review of the current solid waste contract process. He assured Council that Rabanco is interested in continuing its service to Bellevue residents.
 - (f) Arlene Darby thanked Mr. Warren for his management of the City's utilities programs. She thanked all the individuals, organizations, and businesses who have supported Bellevue 50Fest planning and events. She discussed the contributions of former Councilmember Georgia Zumdieck to the community.
 - (g) Andrew Nenninger, Real Estate Manager with T-Mobile, thanked the Planning Commission and City staff for their work to review Land Use Code provisions related to wireless facilities during the past year. He described T-Mobile's plans to deploy 18 sites in Bellevue during the next two years in response to customers' requests for enhanced service in residential areas. He asked Council to consider allowing the placement of wireless equipment in areas other than the right-of-way.
4. Reports of Community Councils, Boards and Commissions: None.
5. Report of the City Manager

City Manager Steve Sarkozy asked staff to comment on Mr. Markley's concerns expressed during Oral Communications. Kate Berens, Legal Planner, said she was asked to research the applicability of the City's noise ordinance to complaints about the unamplified human voice. She noted the management brief summarizing her findings on page 5-8 of the Council packet. Ms. Berens said the noise ordinance regulates: 1) noise disturbances, which are handled by the Police Department, and 2) noises exceeding the maximum allowed decibel levels. The unamplified human voice is not considered a noise disturbance. Violations under the second provision are handled as civil violations and are enforced by measuring the noise, which is not generally feasible in complaints related to unamplified human voices.

Ms. Berens said the City of Seattle is currently considering an amendment to regulate noise from gatherings of people on residential property. However, the ACLU and other organizations have expressed concern about the legality of this type of ordinance. Ms. Berens said staff recommends no change in the noise ordinance at this time. Citizens with concerns about noise

will be encouraged to utilize the City's neighborhood mediation program.

Responding to Mayor Marshall, Major Linda Pillo said Officer Wood worked closely with concerned neighbors and the landlord prior to the eviction of the residents causing noise problems in Horizon Heights. In further response, Major Pillo said a patrol watch will be initiated for the residence to prevent future problems. Captain Cherie Baker, the new neighborhood liaison for Horizon Heights, will work with residents to prevent problems as well.

Councilmember Noble questioned whether the situation could be handled as a public disturbance or disorderly conduct matter. Major Pillo confirmed that disorderly conduct is an enforcement option.

Mayor Marshall asked staff to report back to Council within the next two weeks.

Moving on, Mr. Sarkozy noted the quarterly update on the West Lake Hills Neighborhood Investment Strategy on page 5-1 of the Council packet. Cheryl Kuhn, Neighborhood Outreach Manager, said all of the Parks and Transportation projects have been assigned to project managers and most are underway. She noted a major neighborhood 50Fest event planned for July at Lake Hills Shopping Center. Ms. Kuhn described the City's participation in SPIN (Special Partnership Investing in Neighborhoods) in conjunction with the Crossroads Area Business Group and residents. SPIN is organizing an effort to solicit proposals for community improvement projects on private property, in response to residents' concerns about the quality and appearance of their neighborhood. More than 60 residents and families have volunteered already to assist in improvement efforts.

Ms. Kuhn said City staff and stakeholders in the vicinity of Lake Hills Shopping Center have reached an agreement on a redevelopment concept for the center. Mr. Noble described his participation in the meetings and the group's eventual support for a mixed-use concept.

Mayor Marshall thanked Ms. Kuhn for her leadership on this and other community projects.

Mr. Sarkozy noted the management brief (Page 5-10 of the Council packet) describing the potential for utilizing the General Contractor/Construction Manager (GC/CM) approach for redevelopment of the City's new downtown building. Planning and Community Development Director Matt Terry briefly reviewed the procedures for utilizing a GC/CM approach. He said the Technical Advisory Committee established by Council will study public works contracting alternatives and submit a recommendation in May or early June.

Deputy Mayor Degginger requested the following information for future consideration by Council and the TAC: 1) a list of projects constructed under the GC/CM method, preferably projects with a similar budget and scope, 2) evaluations of the performance of those projects, and 3) analysis of risks associated with the GC/CM process.

Noting Agenda Item 8(l), Mr. Sarkozy said the City is replacing asbestos concrete (AC) watermain sections throughout the community in conjunction with its annual street overlay program. Agenda Item 8(j) represents improvements planned for 2004 in the Somerset area.

6. Council Business

- ➡ Deputy Mayor Degginger moved to appoint Board and Commission members as summarized in the April 3, 2003, memo to Council:

Arts Commission – Donnelly Wilburn
Environmental Services Commission – Diane Pottinger
Library Board – Scott Leonard
Parks and Community Services Board – Kurt White
Planning Commission – Patsy Bonincontri
Transportation Commission – Ted Bell.

Dr. Davidson seconded the motion.

- ➡ The motion to approve appointments to the Boards and Commissions carried by a vote of 7-0.

Mr. Mosher noted Dick Chapin was recently selected as a Sound Transit Citizen Oversight Panel Member representing the Eastside.

Mr. Lee attended the Incorporation Day celebration on March 31 and related Sister City functions throughout the week.

Deputy Mayor Degginger attended the Fire Department Academy graduation ceremony, 50Fest planning meetings and events, and a meeting of the Cascade Water Alliance Resources Committee. He testified with representatives of other cities before the King County Budget Advisory Task Force.

Dr. Davidson attended 50Fest and Sister City events throughout the week and the Saturday night Sock Hop. He attended meetings of the Environmental Services Commission and Wilburton Community Club.

Mr. Creighton enjoyed 50Fest and Sister City functions last week. He attended the Parks and Community Services Board retreat and a senior focus group meeting at Crossroads.

Mr. Noble attended 50Fest events including the Sock Hop, Lake Hills Shopping Center meetings, and the Washington State Transportation Commission meeting held in Bellevue last Friday.

Mayor Marshall thanked Brenda Frost, President of Advance Bellevue, for her involvement in 50Fest planning. The next 50Fest event is Advance Bellevue's *Best of Bellevue* awards to be held on Wednesday, April 9. Mrs. Marshall has been participating in community meetings to discuss 50Fest and neighborhood events and the City's new downtown building.

7. Approval of the Agenda

➡ Mr. Noble moved to approve the agenda, and Mr. Degginger seconded the motion.

➡ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

➡ Deputy Mayor Degginger moved to approve the Consent Calendar, and Mr. Noble seconded the motion.

➡ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of January 30 – February 1, 2003 Retreat
Minutes of March 3, 2003 Study Session
Minutes of March 10, 2003 Extended Study Session
Minutes of March 17, 2003 Study Session
Minutes of March 17, 2003 Regular Session
Minutes of March 24, 2003 Extended Study Session
- (b) Motion to approve payment of claims for the period ending March 25, 2003, and payroll for the period March 1 through March 15, 2003.
- (c) Motion to reject all bids for Bid No. 0301 to upgrade the roof at the Bellevue Service Center and re-bid with an expanded scope at a later date.
- (d) Resolution No. 6836 authorizing the execution of an amendment to the professional services contract with Zenith Administrators to continue as the City's medical claims administrator.
- (e) Resolution No. 6837 authorizing the execution of documents necessary to implement settlement of the *Cougar Mountain Residents Association v. Open Window School and the City of Bellevue* lawsuits in the amount of \$31,368.97. (King County Superior Court Nos. 02-2-21219-1SEA and 02-2-20994-7SEA and Court of Appeals No. 50630-3-1)
- (f) Resolution No. 6838 approving an amendment to the Professional Services Agreement with Foster Pepper Shefelman, PLLC, to increase the total contract amount by \$26,000 (to a total amount of \$75,000) for legal services in the pending condemnation actions for the 156th Avenue NE CIP Project. (CIP Plan No. PW-R-107)
- (g) Resolution No. 6839 authorizing the execution of a real estate listing agreement with Pacific Real Estate Partners for the listing of the current City Hall campus for sale.

- (h) Resolution No. 6840 authorizing the execution of the second amendment to the Amended and Restated Option Agreement between the City and S/I North Creek V, LLC, (Schnitzer North West – SNW) to exchange property and adjust the property line between adjoining parcels at the Bellevue Convention Center site.
 - (i) Motion to award Bid No. 0314 for street overlays associated with the widening of Eastgate Way from 146th Place SE to 150th Avenue SE including additional turn lanes, bicycle lanes, completion of necessary sidewalks, and pavement restoration, in the amount of \$1,026,788.56 to Wilder Construction Co. as low bidder. (CIP Plan Nos. PW-I-86 and PW-M-13)
 - (j) Resolution No. 6841 authorizing the execution of a consultant agreement for engineering services with W&H Pacific for the conduct of comprehensive roadway testing and design in support of the 2004 Street Overlay Program, in an amount not to exceed \$348,427.39.
 - (k) Resolution No. 6842 authorizing the execution of an Interlocal Agreement with the cities of Kirkland and Redmond for the implementation of the Transportation Forecast Model Platform Development and Maintenance Program.
 - (l) Motion to award Bid No. 0316 for the replacement of approximately 3,360 linear feet of older small-diameter asbestos cement (AC) watermain with 8”, 6”, and 4” ductile iron (DI) watermain and appurtenances in northeast Bellevue, north of NE 24th Street, in the amount of \$510,312.40 to Emerald Services, Inc., as low bidder. *(This replacement is being done in conjunction with new street overlays in northeast Bellevue.)*
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business: None.
13. Continued Oral Communications
- (a) Andrew Nenninger, T-Mobile, continued his comments from Agenda Item 3. With regard to wireless equipment in residential zones, he would like Council to consider allowing the placement of equipment outside of the right-of-way in adjacent land. He noted the proposed Code changes do not address efficiencies that would benefit wireless deployment in residential areas. He suggested a provision to allow a reduced permit if equipment is to be placed in the right-of-way with a particular design at a particular height. He noted permits typically require one year in processing time.

14. New business: None.
15. Executive Session: None.
16. Adjournment

At 9:27 p.m., Mayor Marshall announced recess to return to the Study Session.

Myrna L. Basich
City Clerk

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